

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

Coosa River Basin Initiative;
Raymond J. Perkins, Jr., and J.
Perkins Farms, LLC,

Plaintiffs,

v.

3M Company, *et al.*,

Defendants.

Civil Action No. 4:25-CV-00075-AT

**REPLY IN SUPPORT OF
SUPPLIER DEFENDANTS' MOTION TO STAY**

Defendant The City of Dalton, Georgia (“Dalton”) filed a motion to stay this case (Doc. 60) pending the resolution of *City of Dalton v. 3M et al.*, No. 4:24-cv-293-WMR (N.D. Ga.), the largely parallel case previously filed in the same Division of this Court. The Supplier Defendants—3M Company, EIDP, Inc. f/k/a E.I. DuPont de Nemours and Company, The Chemours Company, Corteva, Inc., INV Performance Surfaces, L.L.C., and Daikin America, Inc.—then filed their own short motion to stay (Doc. 76). In that motion, the Supplier Defendants adopted and incorporated Dalton’s discussion of the legal standards applicable to this type of stay motion as well as Dalton’s citations of authority supporting a stay, while noting that the Supplier Defendants do not agree with some of the factual statements and implications of liability in Dalton’s motion. With those same caveats, the Supplier

Defendants hereby adopt and incorporate Dalton's arguments in its reply brief (Doc. 131), which persuasively rebut the arguments made by Plaintiffs in their omnibus response (Doc. 129).

Plaintiffs' response barely mentions the traditional stay factors, and as Dalton explains, Plaintiffs offer nothing to refute that those factors fully support a stay of this later-filed case, which focuses on the same LAS property as *City of Dalton* and substantially overlaps on parties, issues, and claims, so that allowing both cases to proceed would be highly inefficient and would create a real possibility of inconsistent rulings. *See* Dalton Reply 1–6. A stay is warranted based on those factors alone.

But Dalton also explains why the arguments about CERCLA that Plaintiffs dwell on badly misunderstand the operation of that federal law, which Congress enacted precisely for situations like that presented by hazardous substance contamination of the LAS. *See id.* at 6–16. Unlike CERCLA, the Georgia common-law claims that Plaintiffs assert in this case (which are the only claims brought against the Supplier Defendants) are not designed for the extraordinarily complex remediation of a large hazardous substances site that operates under extensive federal and state environmental regulations—which is why Plaintiffs cite no Georgia precedent for using those sorts of claims to address an environmental remediation project of this scope and complexity.

For these reasons, the Supplier Defendants respectfully request that the Court exercise its discretion to stay proceedings in this case pending the resolution of the *City of Dalton* case.

Respectfully submitted this 9th day of July, 2025.

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CERTIFICATE OF COMPLIANCE

Pursuant to Northern District of Georgia Civil Local Rule 7.1.D., the undersigned counsel certifies that the foregoing filing is a computer document and was prepared in Times New Roman 14-point font, as mandated in Local Rule 5.1.C.

Dated: July 9, 2025.

Respectfully submitted,

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